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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes
September 17, 2004

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1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Motions**

7
8 **September 17, 2004**
9
10

11 Anita Westerhaus moved, with a second by John Aboud, that the Board go into
12 closed session for the purposes of discussing whether to initiate licensee
13 disciplinary proceedings and discussing the decision to be rendered in a
14 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15 **MOTION CARRIED UNANIMOUSLY.**
16

17 Jacqueline Wellborn moved, with a second by William Haigh, that in case
18 number 04-07, the Board acknowledge the local settlement submitted by the
19 parties and issue an order imposing the sanction agreed upon by the parties.

20 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes;
21 Paulsen – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes.

22 **MOTION CARRIED UNANIMOUSLY.**
23

24 Anita Westerhaus moved, with a second by William Haigh, that in case number
25 04-13, the Board find probable cause to establish a violation of the following
26 provisions of the Code of Professional Conduct and Ethics, 282 IAC 12.1(1)(a)
27 and 13.5(3)(b) and order this case set for hearing. Roll call vote: Aboud – no;
28 Carter – yes; Haigh – yes; Paulsen – yes; Robinson – yes; Seeland – no; Wellborn
29 – yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED.**
30

31 William Haigh moved, with a second by Anita Westerhaus, that in case number
32 04-14, the Board find probable cause to establish a violation of the following
33 provisions of the Code of Professional Conduct and Ethics, 282 IAC 12.1(1)(a),
34 13.5(3)(b), 12.3(1)(c) and 12.3(1)(d) and order this case set for hearing. The
35 Board does not find probable cause on the backpack search. Roll call vote:

1 Aboud – yes; Carter – yes; Haigh – yes; Paulsen – yes; Robinson – yes; Seeland –
2 yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION**
3 **CARRIED UNANIMOUSLY.**

4
5 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
6 **number 04-08**, the Board extend the 180-day deadline for issuance of the final
7 decision, due to the need for additional time to conduct a hearing, prepare a
8 proposed decision, and review the proposed decision by the Board. Roll call
9 vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes; Paulsen
10 – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 Jean Seeland moved, with a second by Anita Westerhaus, to approve the July
14 30, 2004, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

15
16 John Aboud moved, with a second by Jean Seeland, to adopt and file the
17 proposed changes in rules to the school social worker endorsement. Roll call
18 vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes; Paulsen
19 – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION**
20 **CARRIED UNANIMOUSLY.**

21
22 John Aboud moved, with a second by Brian Carter, to adopt and file the
23 proposed changes in rules for the special education consultant endorsement.
24 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – no;
25 Paulsen – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes.
26 **MOTION CARRIED.**

27
28 John Aboud moved, with a second by Jean Seeland, to adopt and file the
29 proposed changes in rules for the director of special education endorsement.
30 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes;
31 Paulsen – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes.
32 **MOTION CARRIED UNANIMOUSLY.**

1 John Aboud moved, with a second by Jacqueline Wellborn, to file under Notice
2 of Intended Action, the proposed changes to Chapter 17, with noted
3 modifications. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes;
4 Robinson – yes; Paulsen – yes; Haigh – yes; Carter – yes; Aboud – yes; and
5 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **September 17, 2004**
8

9 The Board of Educational Examiners held its monthly meeting on September
10 17, 2004. Board Chair Peter Hathaway called the meeting to order at 8:30 a.m.
11 Members attending were John Aboud, Brian Carter, William Haigh, Peter
12 Hathaway, Thomas Paulsen, Dr. Greg Robinson, Jean Seeland, Jacqueline
13 Wellborn and Anita Westerhaus. Also in attendance were Susan Fischer,
14 Interim Executive Director of the Board; Christie Scase and Jeanie Vaudt,
15 Assistant Attorneys General and legal counsel to the Board; Barbara
16 Hendrickson, Board Secretary; and other visitors. Judy Jeffrey joined the
17 Board for the afternoon session, and Ying Ying Chen was unable to attend the
18 meeting. Ms. Scase was absent from the afternoon session, and Mr. Aboud and
19 Ms. Vaudt joined the afternoon session at 12:21 p.m. and 12:32 p.m.,
20 respectively.
21

22 Board Chair Peter Hathaway welcomed Susan Fischer to her first board meeting
23 as Interim Executive Director. He then recommended expediting agenda items,
24 as appropriate, because the search committee planned to screen applications
25 for the Executive Director position following the meeting.
26

27 Anita Westerhaus moved, with a second by John Aboud, that the Board go into
28 closed session for the purposes of discussing whether to initiate licensee
29 disciplinary proceedings and discussing the decision to be rendered in a
30 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

31 **MOTION CARRIED UNANIMOUSLY.**
32

33 The Board reconvened into open session at 9:25 a.m.

1 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
2 **number 04-07**, the Board acknowledge the local settlement submitted by the
3 parties and issue an order imposing the sanction agreed upon by the parties.
4 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes;
5 Paulsen – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes.
6 **MOTION CARRIED UNANIMOUSLY.**

7
8 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
9 **04-13**, the Board find probable cause to establish a violation of the following
10 provisions of the Code of Professional Conduct and Ethics, 282 IAC 12.1(1)(a)
11 and 13.5(3)(b) and order this case set for hearing. Roll call vote: Aboud – no;
12 Carter – yes; Haigh – yes; Paulsen – yes; Robinson – yes; Seeland – no; Wellborn
13 – yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED.**

14
15 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
16 **04-14**, the Board find probable cause to establish a violation of the following
17 provisions of the Code of Professional Conduct and Ethics, 282 IAC 12.1(1)(a),
18 13.5(3)(b), 12.3(1)(c) and 12.3(1)(d) and order this case set for hearing. The
19 Board does not find probable cause on the backpack search. Roll call vote:
20 Aboud – yes; Carter – yes; Haigh – yes; Paulsen – yes; Robinson – yes; Seeland –
21 yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION**
22 **CARRIED UNANIMOUSLY.**

23
24 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
25 **number 04-08**, the Board extend the 180-day deadline for issuance of the final
26 decision, due to the need for additional time to conduct a hearing, prepare a
27 proposed decision, and review the proposed decision by the Board. Roll call
28 vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes; Paulsen
29 – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION**
30 **CARRIED UNANIMOUSLY.**

31
32 Jean Seeland moved, with a second by Anita Westerhaus, to approve the July
33 30, 2004, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

1 Board Chair Peter Hathaway asked if there were any Board Reports. There
2 were none.

3
4 Board Chair Peter Hathaway asked if there were any public comments. There
5 were none.

6
7 Interim Executive Director Susan Fischer thanked the Board and staff for their
8 support in the week since she assumed her new duties. She reported that the
9 program of The Franciscan University in Clinton has been approved to offer the
10 teacher intern program, much of it online. Coursework will begin probably in
11 January, with service as an intern in the fall. Kaplan University in Davenport
12 has expressed an interest in offering both the teacher intern program and the
13 regular teach preparation program. A consortium of private and public colleges
14 has also made contact about a joint effort to offer an alternative preparation
15 program. Ms. Fischer indicated that the institutions cited are initially requiring
16 more than the 12 hours required by administrative rules before intern service.
17 In response to Board Member Brian Carter, she clarified some points. The
18 program is for secondary teachers. Students will take the same courses as
19 students in traditional teacher preparation programs; they may just be offered
20 in a different manner. Graduates will also participate in the mentoring and
21 induction program required of any other beginning teacher. The student
22 teaching requirement is the only real difference between the two preparation
23 programs.

24
25 Ms. Fischer next distributed a handout of data showing the number of the types
26 of licenses with attendant endorsements, which were issued between July 1,
27 2003 and June 30, 2004. It indicated how many endorsements were issued for
28 the variety of licenses. In response to a question from Board Member Jean
29 Seeland, Ms. Fischer indicated that the Basic Educational Data Survey (BEDS)
30 can show how many people are currently teaching with those endorsements.

1 Licensure Consultant Dr. Gary Borlaug gave an update on the Board's
2 technology grant to effect online renewal and online view of licensure
3 credentials. Turnover in staff made implementation efforts for earlier this year
4 difficult. Staff response to a view of the new system was positive; it appears to
5 be easier and more efficient. The projected date to go "live" is now November
6 12, 2004. The migration of mainframe data, however, may delay
7 implementation.

8
9 The Board next voted on revisions to selected special education endorsements.
10 John Aboud moved, with a second by Jean Seeland, to adopt and file the
11 proposed changes in rules to the school social worker endorsement. Roll call
12 vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes; Paulsen
13 – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION**
14 **CARRIED UNANIMOUSLY.**

15
16 John Aboud moved, with a second by Brian Carter, to adopt and file the
17 proposed changes in rules for the special education consultant endorsement.
18 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – no;
19 Paulsen – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes.
20 **MOTION CARRIED.**

21
22 John Aboud moved, with a second by Jean Seeland, to adopt and file the
23 proposed changes in rules for the director of special education endorsement.
24 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Robinson – yes;
25 Paulsen – yes; Haigh – yes; Carter – yes; Aboud – yes; and Hathaway – yes.
26 **MOTION CARRIED UNANIMOUSLY.**

27
28 In reviewing for adoption the proposed changes in the 7-12 mathematics
29 endorsement, the Board questioned the definition of a computer programming
30 course. Members decided to defer to the next board meeting a vote on the
31 amendment to the subrule, pending input and clarification of the issue.

1 The Board discussed proposed changes to the renewal of licenses, which would
2 align the rules with teacher quality legislation; eliminate references to
3 community college renewal programs that are no longer necessary; and reflect
4 acceptance for renewal college credits from a regionally accredited institution.
5 Minor clerical changes were made. In addition, erroneous reference to child
6 and dependent adult abuse training was eliminated, and “The person is
7 practicing in a nonadministrative or nonevaluative position” was added in its
8 place. References to encouragement to take renewal units that support district
9 or individual career development plans were deleted. Licensure Consultant
10 Geri McMahon responded to a question from Board Member Jacqueline
11 Wellborn about the definition of a licensure renewal advisory committee. Each
12 institution or organization offering renewal credit has such a committee, which
13 meets with its licensure renewal coordinator to decide issues arising from its
14 stated duty to provide course offerings. John Aboud moved, with a second by
15 Jacqueline Wellborn, to file under Notice of Intended Action, the proposed
16 changes to Chapter 17, with noted modifications. Roll call vote: Westerhaus –
17 yes; Wellborn – yes; Seeland – yes; Robinson – yes; Paulsen – yes; Haigh – yes;
18 Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION CARRIED**
19 **UNANIMOUSLY.**

20
21 Board Chair Peter Hathaway gave an update on the search for a new Executive
22 Director. That morning he had picked up the applicant packets, and the search
23 committee was scheduled to meet following the board meeting to screen the
24 applications. The Board decided to conduct interviews on the morning of
25 October 8, 2004, and to hold a compressed board meeting in the afternoon.

26
27 The Board recessed from 10:50 a.m. to 11:05 a.m.

28
29 The Board once again talked about a pre-filed bill to change the 1996 Iowa law
30 mandating resolution of a complaint within 180 days to investigation of
31 complaints and determination of probable cause by the Board within 120 days.
32 Such a change would still promote prompt resolution of complaints, but would
33 more accurately reflect a more realistic timeframe and the timeliness of steps

1 under the control of the Board. Assistant Attorney General and legal counsel to
2 the Board Christie Scase referred to a flow chart and time line showing steps in
3 the complaint process from receipt to final decision, along with length of time
4 approximated for each step along the way. John Aboud requested that
5 information be put on the Board's Case Status Report, tracking with a running
6 tally the total number of days from receipt of complaint. The Board agreed to
7 the pre-filed bill proposal and directed preparation of the material in proper
8 format for the October board meeting.

9
10 Attention to the topic of ethics in Chapters 25 and 26 began with attendees
11 viewing about ten minutes of Board Member Anita Westerhaus' videotape on
12 ethics that was produced for the State of Georgia and obtained by Ms.
13 Westerhaus during her sabbatical study last year.

14
15 The Board recessed for lunch at 11:35 a.m. and reconvened at 12:19 p.m.

16
17 Continuing with the ethics agenda item, Interim Executive Director Susan
18 Fischer distributed a sheet on proposed ideas for dissemination of the material
19 in new Chapters 25 and 26 of the Board's administrative rules. The rules
20 themselves had already been sent out to the colleges, stakeholder organizations
21 and superintendents. Ms. Westerhaus distributed a sheet, again from her
22 sabbatical year, which was a proposed action plan to implement ethics for Iowa
23 educators, with a goal of informing them on the topic. The Board spent a
24 considerable amount of discussion time suggesting new ideas for promulgation
25 of the ethics rules, in addition to those already recommended. Ms. Westerhaus
26 and fellow Board Members John Aboud and Jean Seeland volunteered to serve
27 on a subcommittee to develop and present a freshened document on current
28 distribution of ethics information and suggested action items for the future.
29 Ms. Westerhaus said that she would check with absent Board Member Ying
30 Ying Chen, who had also expressed interest in the topic.

1 Board Member John Aboud requested break-out information on the financial
2 structure of the Board of Educational Examiners, which will be presented at a
3 future board meeting.

4

5 There being no further business, Board Chair Peter Hathaway adjourned the
6 meeting at 12:39 p.m.